

FILED
CLERK

1:39 pm, Aug 17, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In Re: ADDITIONAL CHILD VICTIMS ACT CASES
REMOVED FROM STATE COURT.

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

For Online Publication Only

ORDER

2:23-cv-04580 (JMA) (ST)
and related cases

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AZRACK, United States District Judge:

Currently pending before the undersigned are 58 actions brought under the New York Child Victims Act, each alleging sexual abuse. These actions were all recently removed from state court. After removal, the plaintiffs filed motions to remand and/or the parties entered into scheduling stipulations that address motions to remand.

In an August 10, 2023 decision, the Honorable Gary R. Brown remanded 42 similar sexual abuse cases. *In re Child Victims Act Cases Removed From State Ct.*, No. CV 23-5029(GRB), 2023 WL 5123396, at *5 (E.D.N.Y. Aug. 10, 2023). The undersigned finds Judge Brown's decision persuasive. The 58 cases pending before the undersigned are hereby remanded back to state court for the reasons set out in Judge Brown's August 10, 2023 decision. The Court finds that mandatory abstention applies here. The Court also finds that, even if mandatory abstention were inapplicable here, remand would still be warranted under the doctrines of permissive and equitable abstention.

The Court has also considered the defendants' arguments that this Court should defer ruling on remand pending proceedings before the Honorable Lorna G. Schofield in the Southern District of New York. The Court, however, again finds Judge Brown's decision persuasive on this point.

Accordingly, the 58 cases identified below are hereby remanded back to state court. The Clerk of the Court is directed to transfer the appropriate records to the clerks of the relevant state courts, and to close these cases.

1	<i>O'Dea v. Diocese of Brooklyn et al,</i> 1:23-cv-05038-JMA-SIL
2	<i>Davidson v. St. Hugh of Lincoln Roman Catholic Church,</i> 2:23-cv-04580-JMA-ST
3	<i>O'Brien v. St. Agnes Roman Catholic Cathedral,</i> 2:23-cv-04696-JMA-SIL
4	<i>Sussi-Pabilonia v. St. Dominic Elementary School et al,</i> 2:23-cv-04698-JMA-ST
5	<i>Phanithavong v. St. Pius X Roman Catholic Church,</i> 2:23-cv-04711-JMA-AYS
6	<i>T.A. v. St. Ignatius Loyola Roman Catholic Church,</i> 2:23-cv-04724-JMA-LGD
7	<i>Wall v. Holy Name of Mary Roman Catholic Church, et al.,</i> 2:23-cv-04726-JMA-LGD
8	<i>Schlich v. St. Mary of the Isle Roman Catholic Church, et al,</i> 2:23-cv-04750-JMA-ST
9	<i>A.T. v. St. Joseph's Roman Catholic Church,</i> 2:23-cv-04756-JMA-LGD
10	<i>JA-005 Doe v. Theodore Roosevelt Council, Inc. et al,</i> 2:23-cv-04780-JMA-ST
11	<i>ARK 385 Doe v. Franciscan Brothers of Brooklyn et al,</i> 2:23-cv-04794-JMA-LGD
12	<i>T.C. v. St. Bernard's Roman Catholic Church,</i> 2:23-cv-04836-JMA-ST
13	<i>T.V. v. St. Raphael Parish,</i> 2:23-cv-04843-JMA-ST
14	<i>W.B. v. St. Martha Roman Catholic Church et al,</i> 2:23-cv-04847-JMA-SIL
15	<i>McCoy v. St. Barnabas the Apostle Roman Catholic Church et al,</i> 2:23-cv-04870-JMA-ST
16	<i>JA-130 Doe v. Our Lady of Fatima Roman Catholic Church,</i> 2:23-cv-04875-JMA-AYS
17	<i>ARK495 Doe v. The Marist Brothers Province of The United States, et al,</i> 2:23-cv-04877-JMA-LGD
18	<i>ARK493 Doe v. St. Dominic's, et al,</i> 2:23-cv-04879-JMA-LGD
19	<i>Maynard v. St. Brigid/Our Lady of Hope Regional School, et al,</i> 2:23-cv-04883-JMA-SIL
20	<i>ARK516 Doe v. St. Brigid et al,</i> 2:23-cv-04902-JMA-ST
21	<i>Daimler v. Notre Dame Parish et al,</i> 2:23-cv-04916-JMA-LGD
22	<i>RKNassau2 Doe v. St. Raymond Parish, et al,</i> 2:23-cv-04949-JMA-ST
23	<i>RKNassau3 Doe v. Our Holy Redeemer Roman Catholic Church, et al,</i> 2:23-cv-04980-JMA-AYS

24	<i>May v. Saint Isidore School et al,</i> 2:23-cv-04981-JMA-AYS
25	<i>Foulkes v. St. Mary's College Preparatory High School, et al,</i> 2:23-cv-04985-JMA-SIL
26	<i>ARK562 Doe v. St. Thomas, et al,</i> 23-cv-04989-JMA-LGD
27	<i>Diffley v. St. Anthony of Padua Roman Catholic Church,</i> 23-cv-04992-JMA-ST
28	<i>Lello v. St. Luke's Roman Catholic Church et al,</i> 2:23-cv-04995-JMA-LGD
29	<i>ARK544 Doe v. St. Patrick et al,</i> 2:23-cv-04997-JMA-LGD
30	<i>ARK609 Doe v. St. Hugh of Lincoln et al,</i> 2:23-cv-05005-JMA-SIL
31	<i>Doe v. Franciscan Brothers of Brooklyn et al,</i> 2:23-cv-05008-JMA-ARL
32	<i>ARK537 Doe v. SS Cyril and Methodius et al,</i> 2:23-cv-05013-JMA-ST
33	<i>Tribuzio v. St. John the Evangelist R.C. Church et al,</i> 2:23-cv-05019-JMA-AR
34	<i>Alongi v. St. Hugh of Lincoln School et al,</i> 2:23-cv-05020-JMA-LGD
35	<i>Hotchkiss v. St. Joseph Roman Catholic Church,</i> 2:23-cv-05028-JMA-SIL
36	<i>Pellegrino v. St. Luke's Roman Catholic Church,</i> 2:23-cv-05058-JMA-SIL
37	<i>Sloan v. St. Hugh of Lincoln Roman Catholic Church et al,</i> 2:23-cv-05064-JMA-AYS
38	<i>Purcell v. Church of St. Patrick,</i> 2:23-cv-05081-JMA-AYS
39	<i>Martin v. Franciscan Brothers of Brooklyn et al,</i> 2:23-cv-05089-JMA-AYS
40	<i>ARK575 Doe v. Sisters of Charity of the Blessed Virgin Mary et al,</i> 2:23-cv-05097-JMA-AYS
41	<i>ARK576 Doe v. St. Raphael et al,</i> 2:23-cv-05101-JMA-LGD
42	<i>Billone v. St. Anthony of Padua School et al,</i> 2:23-cv-05103-JMA-AYS
43	<i>Grace De Libero v. St. Anthony's Roman Catholic Church et al,</i> 2:23-cv-05105-JMA-LGD
44	<i>Morrison v. Our Lady Queen of Martyrs Catholic Church,</i> 2:23-cv-05117-JMA-LGD
45	<i>ARK560 Doe v. Mary Immaculate et al,</i> 2:23-cv-05120-JMA-LGD
46	<i>Esposito v. Seton Hall High School et al,</i> 2:23-cv-05121-JMA-AYS

47	<i>Heffernan v. St. John of God Roman Catholic Church,</i> 2:23-cv-05124-JMA-LGD
48	<i>ARK621 Doe v. St. Gerard Majella et al,</i> 2:23-cv-05144-JMA-LGD
49	<i>PB-55 Doe v. The Roman Catholic Archdiocese of New York et al,</i> 2:23-cv-05150-JMA-AYS
50	<i>ARK662 Doe v. Catholic Youth Organization et al,</i> 2:23-cv-05159-JMA-ST
51	<i>Baynes v. Holy Family Roman Catholic Church et al,</i> 2:23-cv-05191-JMA-SIL
52	<i>ARK656 Doe v. St. Hedwig's et al,</i> 2:23-cv-05194-JMA-ST
53	<i>Frick v. St. Agnes Roman Catholic Cathedral et al,</i> 2:23-cv-05209-JMA-ST
54	<i>Srubinski v. St. Ladislaus Roman Catholic Parish, et al,</i> 2:23-cv-05213-JMA-AYS
55	<i>ARK674 Doe v. St. Aiden's, et al.,</i> 2:23-cv-05217-JMA-AYS
56	<i>Leat v. Holy Trinity High School, et al,</i> 2:23-cv-05221-JMA-SIL
57	<i>Altenburg v. Roman Catholic Parish of St. Agnes Cathedral et al,</i> 2:23-cv-05222-JMA-LGD
58	<i>ARK457 Doe v. Holy Family et al,</i> 2:23-cv-05374-JMA-LGD

SO ORDERED.

Dated: August 17, 2023
 Central Islip, New York

/s/ (JMA)
 JOAN M. AZRACK
 UNITED STATES DISTRICT JUDGE